

REMARKS

Amendments to the claims have been made to respond to the issues and concerns raised in the Office Action, to clarify aspects in the specification and claims, and to refine claim language. The amendments are believed to be consistent with the disclosure originally filed. The amendments also have been particularly presented to avoid, where applicable, any admission or estoppel, generally, negatively affecting the scope of protection provided by the disclosure and claims of the present application, and also in a manner that avoids prosecution history estoppel, limitation of the scope of equivalences, or the like. Claims 28, 30-40, 45-46, and 49-50 have been amended to replace the term "nonhuman herd-managed female mammals" with the term "bovine female mammals", and various further consequential amendments and cancellations have been made. This amendment is believed to resolve certain enablement concerns raised in the Office Action. The Applicant reserves the right to file further applications for the full scope of the originally disclosed subject matter as may be appropriate.

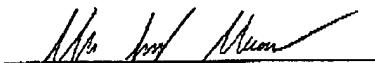
Please also find attached to this Second Supplement as Attachment "A" an affidavit pursuant to 37 C.F.R. § 1.132. This affidavit is provided to address certain enablement concerns raised by the Office, and the possibility discussed in the interview of providing a declaration showing that one of skill in the art reading the teachings in the specification would interpret these teachings to particularly include steps "c", "d", and "e" of claim 28. The attached affidavit establishes that John Schenk, an employee of the exclusive licensee of the present application, but not an inventor listed on the present application, possesses at least ordinary skill in the art in the field related to the present application. The affidavit further establishes specific basis in the specification for the teachings of each of steps "c", "d", and "e" of claim 28. Moreover, the affidavit establishes specific basis in the specification supporting a generalized application of the teachings discussed, including specifically the teachings related to animal species and time intervals to which the herd management system disclosed may be applied. Accordingly, the affidavit concludes that one of ordinary skill in the art, reading the specification and relying on such ordinary skill, would understand that the teachings of the specification particularly include the full scope of steps "c", "d", and "e" of claim 28.

In as much as the present submission addresses issues discussed in the personal interview and is a supplement to the Response and Request for Reconsideration, which was itself timely filed, it is believed that the present submission is presented in a timely manner. Consequently, the Applicant respectfully requests consideration of this Second Supplement in conjunction with the Response and Request for Reconsideration filed on September 6, 2005 and the First Supplement filed on November 20, 2005.

Dated this 27 day of January, 2006.

Respectfully submitted,

SANTANGELO LAW OFFICES, P.C.

By: 

Misha Gregory Macaw
Attorney for Applicant
PTO No. 55,417
125 South Howes, Third Floor
Fort Collins, Colorado 80521
(970) 224-3100